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09/619,333	07/19/2000	Robert William Shideleff	SAR 13798	1162

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EXAMINER	
MANNING, JOHN	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/619,333	Applicant(s) SHIDELEFF ET AL.	
	Examiner John Manning	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 17-20* is/are rejected.

7)☒ Claim(s) *14-15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 5, 2003 have been fully considered but they are not persuasive. The applicant agues that Bray discloses a device for analyzing and filtering a closed caption signal whereas the applicant's disclosed method and computer readable medium resolves a conflict between two devices capable of interpreting the embedded portion of a television signal by "adjusting" the embedded portion. The applicant states on page 5, lines 11-13 of the specification that "processor 212 adjusts the embedded portion, e.g., the line 21 information, of the baseband television signal". Further, "the closed captioning information may be removed from the line 21 information". This is done to prevent conflict between devices. The applicant states "Bray does not prevent a downstream receiver from processing the embedded portion of the television signal. In fact Bray acts as an intermediary device which filters out unwanted closed caption material. Upon transmission downstream to a television receiver, the television receiver may still process the embedded portion of the television signal." Bray does, in fact, **prevent** a downstream receiver from processing the embedded portion of the television signal. And, upon transmission downstream to a television receiver, the television receiver may **not** process the embedded portion of the television signal. The Bray reference states "When a video portion of the television signal is received in video input 10 the closed-captioned data contained therein is *extracted and separated* from the video feed by closed-captioned data slicer 16" (Col 3, Lines 34-37). Bray goes on to state "On-screen display (OSD) 22 responds to signals

received from microprocessor 20. OSD+Video 24 then superimposes the signals from OSD 22 upon the video signal received from microprocessor 20" (Col 3, Lines 51-54). The closed caption information is **superimposed** on the video signal for display. The downstream receiver receives no closed caption information; therefore any conflict between devices is avoided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 9, 10, 12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bray (US Pat No. 6,166,780).

Claim 1 is rejected wherein the Bray reference discloses a device for analyzing and filtering a closed caption signal. The disclosed device incorporates a receiving section that comprises "a video input 10 feeding signals to a closed caption data slicer 16", where the video input 10 acts as a receiver (Col 3, Lines 22-24). The caption data slicer 16 inherently performs the detection process (Col 3, Lines 22-27). The Bray reference states "When a video portion of the television signal is received in video input 10 the closed-captioned data contained therein is *extracted and separated* from the video feed by closed-captioned data slicer 16" (Col 3, Lines 34-37). The caption data

slicer 16 "adjusts" or extracts and separates the embedded portion from the video feed therefore the downstream receiver is prevented from processing the embedded portion.

Claim 5 is rejected wherein it is inherently disclosed that the embedded portion of the video signal comprises "line 21" information. The device processes closed caption information, therefore the embedded portion includes "line 21" information.

Claim 9 is rejected wherein it is disclosed that the embedded portion of the video signal comprises closed caption information (Col 3, Lines 34-35).

Claim 10 is rejected wherein it is disclosed that the closed caption "information is analyzed by microprocessor 20." If any word or phrase is determined to be inappropriate the microprocessor 20 strips the offensive word or phrase from the closed caption data (Col 3, Lines 37-39, 41-48).

Claim 12 is rejected wherein it is disclosed that the microprocessor 20 in conjunction with an "on-screen display device 22", decodes the detected closed captioning information to generate the graphics information. The video signal "feeds to a microprocessor 20 with out put to an on-screen display (OSD) 22 and there is an OSD+VIDEO 24 which also receives the video from the video input 10 directly" (Col 3, Lines 25-27)

Claim 20 is rejected wherein the disclosed device includes the microprocessor 20 and a computer readable medium storing a software program (Col 3, Lines 37-41). The microprocessor 20 and program perform the operations of receiving the television signal with embedded portion, detecting the embedded portion, and adjusting the embedded portion. Receiving the television signal with embedded portion is performed by the

microprocessor 20 in conjunction with the input 10. Detecting and adjusting the embedded portion is performed by the microprocessor 20 in conjunction with the caption data slicer 16 (Figure 1). The reference states "When a video portion of the television signal is received in video input 10 the closed-captioned data contained therein is *extracted and separated* from the video feed by closed-captioned data slicer 16" (Col 3, Lines 34-37). The caption data slicer 16 "adjusts" or extracts and separates the embedded portion from the video feed therefore the downstream receiver is prevented from processing the embedded portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-4, 8, 11, 13, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray.

In regard to claim 2, Bray addresses the concept of "combining" the "adjusted" embedded signal with the video signal; however, the reference does not disclose the passage of the video signal with the embedded portion to a downstream receiver per se. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Bray system so as to provide the video signal with the embedded portion to a downstream receiver such as a set top box in order to enhance the functionality of the device and to provide users with a

mechanism for censoring inappropriate material while using existing television receivers.

Claims 3 and 4 are met by that discussed above for claim 2.

In regard to claim 8, Bray discloses the use of a RF modulator 28; however, the reference does not disclose NTSC modulation per se. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Bray system so as to modulate the signal into a NTSC format in order to ensure compatibility with the television.

Claim 11 is met by that discussed above for claim 2-4 for the case of a closed-captioning decoder-equipped television receiver.

In regard to claim 13, Bray discloses the utilization of embedded signals. The reference fails to explicitly disclose that the embedded portion comprises V-chip rating information as claimed. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art that V-chip rating information is incorporated in with embedded signals for blocking objectionable viewing material. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Bray with such embedded signals for blocking objectionable viewing material.

In regard to claims 16 and 17, Bray discloses the utilization of embedded signals, and further that the muting device described in the reference can be based in conjunction with signals from video cassette recorders (Col 1, Lines 4-6). Given that it is well known to remove embedded time-stamp in VCR devices to facilitate reproduction of stored signals. The examiner submits that it would have been clearly obvious to one

of ordinary skill in the art to implement the muting device in a VCR in order to enhance its functionality.

As to claim 19, as for the limitation "a system for preventing a conflict in displayed video among a plurality of receivers", the recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Claim 19 is rejected wherein the Bray reference disclosed a device that incorporates a receiving section that comprises "a video input 10 feeding signals to a closed caption data slicer 16", where the video input 10 acts as a receiver (Col 3, Lines 22-24). The caption data slicer 16 "adjusts" or extracts and separates the embedded portion from the video feed (Col 3, Lines 34-37). Therefore the downstream receiver is prevented from processing the embedded portion. Furthermore, Bray addresses the concept of "combining" the "adjusted" embedded signal with the video signal; however, the reference does not disclose the passage of the video signal with the embedded portion to a downstream receiver per se. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Bray system so as to provide the video signal with the embedded portion to a downstream receiver in order for the signals to be displayed.

4. Claims 6, 7,and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray in view of Bestler et al.

In regard to claim 6, the Bray reference addresses the concept of receiving input television signals. The reference fails to explicitly disclose the demodulation of a digital television signal. The Bestler et al. reference teaches the use of a digital demodulator 34 for use in a STB in order for a digital television signal to display on a television (Col 2, Lines 19-20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Bray reference to utilize a digital demodulator for use in the STB in order for the digital television signal be to display on the television.

In regard to claim 7, the Bray reference addresses the concept of receiving input television signals. The reference fails to explicitly disclose the decoding of an analog television signal. The Bestler et al. reference teaches the use of an analog decoder 46 for use in a STB in order for an analog television signal to display on a television (Col 2, Lines 48-51). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Bray reference to utilize an analog decoder for use in the STB in order for the analog television signal to be display on the television.

In regard to claim 18, the Bray reference discloses the use of a processor for detecting and adjusting the embedded signal. The microprocessor 20 and program perform the operations of receiving the television signal with embedded portion, detecting the embedded portion, and adjusting the embedded portion. Receiving the television signal with embedded portion is performed by the microprocessor 20 in

conjunction with the input 10. Detecting and adjusting the embedded portion is performed by the microprocessor 20 in conjunction with the caption data slicer 16 (Figure 1). The Bray reference states "When a video portion of the television signal is received in video input 10 the closed-captioned data contained therein is *extracted and separated* from the video feed by closed-captioned data slicer 16" (Col 3, Lines 34-37). The caption data slicer 16 "adjusts" or extracts and separates the embedded portion from the video feed therefore the downstream receiver is prevented from processing the embedded portion. The reference fails to explicitly disclose a demodulator. The Bestler et al. reference teaches the use of a demodulator for use in a STB in order for a television signal to display on a television (Col 2, Lines 19-20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Bray reference to utilize a demodulator in conjunction with a processor for use in the STB in order for the television signal to be display on the television.

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9695 for regular communications and 703-746-9695 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

JM
February 19, 2004